

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

THOMAS FLORENCE, #1729344 §  
VS. § CIVIL ACTION NO. G-11-134  
OFFICER CLEMENTE GARCIA III §  
and SGT. CHAPMAN §

ORDER

It is **ORDERED** that the Motion (Instrument no. 260) for an extension of time to respond to the Defendants' Motion for Summary Judgment of Plaintiff, Thomas Florence, is **DENIED**.

Florence's response was due on October 17, 2014, but no response was filed. Of course, the Court may not grant a default summary judgment simply because no response is filed; however, Florence is cautioned that if he fails to file a response the Court may accept the Defendants' summary judgment evidence as undisputed. Eversley v. MBank of Dallas, 843 F.2d 172, 174 (5<sup>th</sup> Cir. 1988) If no response has been filed by the time the Court takes up the Defendants' Motion, the Court will simply determine whether the Defendants' unchallenged evidence establishes their entitlement to summary judgment. See C.F. Dahlberg & Co. v. Chevron USA, Inc., 836 F.2d 915, 919 (5<sup>th</sup> Cir. 1988) The Court should reach the Defendants' Motion within the next couple of weeks.

DONE at Galveston, Texas, this 23rd day of October, 2014.

  
John R. Froeschner  
United States Magistrate Judge